

1  
2  
3  
4 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**  
5 **OF THE STATE OF WASHINGTON**

6  
7 IN THE MATTER OF ENFORCEMENT )  
ACTION AGAINST )

PDC CASE NO.: 02-269

8 GARY LONG )

**FINAL ORDER IMPOSING FINE**

9 Respondent. )  
10 \_\_\_\_\_ )

11 **INTRODUCTION**

12 The Washington State Public Disclosure Commission (Commission) conducted an  
13 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on  
14 May 21, 2002 with respect to the above-encaptioned matter. The Commission held the  
15 hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia,  
16 Washington. The Respondent appeared at the hearing, both personally and through his  
17 attorney of record, Lisa Marshall, City Attorney for the City of Burien. The Staff appeared  
18 through Phil Stutzman, Director of Compliance. The Commission held the hearing to  
19 determine whether the Respondent violated RCW 42.17.130 by authorizing the distribution  
20 of a fact sheet preceding the 2001 general election that opposed Initiative 747.  
21

22 During the hearing, the Staff presented, for the Commission's consideration, the  
23 Report of Investigation dated February 8, 2002, the Brief Enforcement Hearing  
24 Memorandum issued on February 11, 2002, and the parties' Stipulation of Facts and  
25 Violation dated May 21, 2002.  
26

1 Specifically, the parties agreed that the Report of Investigation and the Brief  
2 Enforcement Hearing Memorandum contain accurate statements of fact, except as noted in  
3 the Stipulation of Facts and Violation. The parties' Stipulation is attached to this Order and  
4 is incorporated herein by reference.

5  
6 The Commission heard oral argument from the Respondent and Staff concerning the  
7 amount of penalty that should be assessed.

### 8 **ORDER**

9 Based on the record submitted in this matter, the Commission orders as follows:

- 10 1. That the Stipulation of Facts and Violation is accepted;  
11 2. That the Respondent committed a single violation of RCW 42.17.130;  
12 3. That a total civil penalty of \$1,000.00 is assessed against the Respondent.  
13 4. That public funds may not be expended to pay the Respondent's civil penalty.  
14

### 15 **RECONSIDERATION**

16 Any party may ask the Commission to reconsider this final order. Parties must  
17 place their requests for reconsideration in writing, include the specific grounds or reasons  
18 for the request, and deliver the request to the Public Disclosure Commission Office within  
19 TEN (10) days of the date that the Commission serves this order upon the party. Pursuant  
20 to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the  
21 petition for reconsideration if, within twenty (20) days from the date the petition is filed, the  
22 Commission does not either dispose of the petition or serve the parties with written notice  
23 specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the  
24 Respondent is not required to ask the Public Disclosure Commission to reconsider the final  
25 order before seeking judicial review by a superior court.  
26

1 **APPEAL RIGHTS**

2 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure  
3 Commission is subject to judicial review under the Administrative Procedures Act, chapter  
4 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed  
5 with the superior court in Thurston County or the petitioner's county of residence or  
6 principal place of business. The petition for judicial review must be served on the Public  
7 Disclosure Commission and any other parties within 30 days of the date that the Public  
8 Disclosure Commission serves this final order on the parties.  
9

10 If reconsideration is properly sought, the petition for judicial review must be served  
11 on the Public Disclosure Commission and any other parties within thirty (30) days after the  
12 Commission acts on the petition for reconsideration. The Commission will seek to enforce  
13 this final order in superior court under RCW 42.17.395-397, and recover legal costs and  
14 attorney's fees, if the penalty remains unpaid and no petition for judicial review has been  
15 filed under chapter 34.05 RCW. This action will be taken without further order by the  
16 Commission.  
17

18 DATED THIS 30<sup>th</sup> day of May, 2002.

19  
20 FOR THE COMMISSION:

21  
22 \_\_\_\_\_/s\_\_\_\_\_

23 VICKI RIPPIE, Executive Director  
24  
25  
26